

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DEON DEMITRE CARTER,

Plaintiff,

:

Case No. 3:06-cv-112

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

R. JAMES NICHOLAS, Secretary of
Veterans Affairs,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 15, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this case be dismissed without prejudice for lack of service of process. It is further ordered that before Plaintiff be allowed to re-file this case *in forma pauperis*, he be required to show cause why he failed to make service of process as required.

September 20, 2006.

***s/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge